

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
SE/S Golf Course Road, approx.	
500' SW of Hopkins Lane	* ZONING COMMISSIONER
(305 Golf Course Road and	
300 Chattolane Hill Road)	* OF BALTIMORE COUNTY
3rd Election District	
3rd Councilmanic District	* Case No. 96-105-SPH
Berry Hubbard	*
Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 305 Golf Course Road and 300 Chattolane Hill Road, located in the vicinity of the Green Spring Country Club in Owings Mills. The Petition was filed by the owner of the property, Berry Hubbard. The Petitioner seeks approval that the division and transfer of land for purposes other than building or density would not conflict with Sections 1A01.3.B.1 and 2 of the Baltimore County Zoning Regulations (B.C.Z.R.), or in the alternative, a variance is requested. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jeannie Pohlhaus and Louisa Young, Realtors with Hill and Company, Agents for the Petitioner. Appearing as an interested party was William F. Blue, adjoining property owner. There were no Protestants.

Testimony and evidence offered revealed that the Petitioner owns two parcels of land on the east side of Golf Course Road consisting of a total 2.695 acres, zoned R.C. 2. The parcel to the front is known as 305 Golf Course Road and is improved with a two-story dwelling and attached garage. The rear parcel is unimproved and separates the Petitioner's prop-

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

erty from the property at 300 Chattolane Hill Road owned by John R. and Frances R. Rockwell. As shown on the site plan, the one-story dwelling on the Rockwell property is located in close proximity to the existing rear property line. The Rockwells are desirous of expanding their rear yard and have contracted to purchase 0.484 acres from the Petitioner. Therefore, the Petitioner wishes to divide the rear parcel to create a 0.484 acre triangular shaped lot for conveyance to the Rockwells. The remaining 1.202 acres from this rear parcel will be added to the Petitioner's property to create one parcel of 2.211 acres. Upon completion of this transaction, the Rockwells will own 2.425 acres, and the Hubbard property will be reduced in size from 2.695 acres to 2.211 acres.

Mr. William Blue appeared and testified as to his concerns about the possibility of additional subdivision of the subject properties to create more building lots. After testimony and evidence offered revealed that the proposed subdivision was for non-density purposes and that a restriction would be entered into this Order prohibiting further subdivision of the properties in question, Mr. Blue was satisfied and indicated he had no objections.


After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the proposed subdivision is for non-density purposes and is in compliance with the spirit and intent of the R.C.2 zoning regulations. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

ORDER RECEIVED FOR FILING
Date 11/20/95
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of October, 1995 that the Petition for Special Hearing to approve that the division and transfer of land for purposes other than building or density would not conflict with Sections 1A01.3.B.1 and 2 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date of this Order, a new deed shall be recorded among the Land Records of Baltimore County for both the Hubbard property and the Rockwell property, incorporating a reference to this case and the restrictions and conditions set forth herein, pursuant to Section 502.2 of the B.C.Z.R. A copy of the recorded deeds shall be forwarded to the Permits and Development Management (PDM) office for inclusion in the case file.
- 3) Neither the property at 305 Golf Course Road or the property at 300 Chattolane Hill Road can be further subdivided.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 10/20/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 20, 1995

Ms. Jeannie Pohlhaus
Hill & Company
Village of Cross Keys
255 Village Square II
Baltimore, Maryland 21210

RE: PETITION FOR SPECIAL HEARING
SE/S Golf Course Road, approximately 500' SW of Hopkins Lane
(305 Golf Course Road and 300 Chattolane Hill Road)
3rd Election District - 3rd Councilmanic District
Berry Hubbard - Petitioner
Case No. 96-105-SPH

Dear Ms. Pohlhaus:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Berry Hubbard
305 Golf Course Road, Owings Mills, Md. 21117

People's Counsel

File



CRITICAL
AREA

115



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 305 Golf Course Road & 300 Chattolancee Hill Road

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To confirm and permit that the division and transfer of land for purposes other than building or density would not conflict with Sections 1A01.3.B.1 & 2 (BCZR). If a conflict is found, a variance is requested.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Berry Hubbard

(Type or Print Name)

Signature

(Type or Print Name)

Signature

305 Golf Course Road (410)363-0215
Address Phone No

Owings Mills, MD 21117
City State Zipcode
Name, Address and phone number of representative to be contacted.

Jeannie Pohlhaus, Hill & Company
255 Village Sq., II, Village of Cross Keys
Baltimore, MD 21210
(410)435-2000
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

ORDER RECEIVED FOR FILING

Date

DROP-OFF

OK
WCR/AJ

9.8.95



DESCRIPTION OF A 2.425 ACRE PARCEL


BEGINNING for the same at a point in the Centerline of a Twenty foot road, known as Chattolanee Hill Road, being 1300 feet. more or less North of Greenspring Valley Road; running thence with said Road South $33^{\circ}07'00''$ West 40.06 feet: thence South $16^{\circ}24'00''$ West 75.00 feet: thence South $01^{\circ}15'00''$ East 75.00 feet: thence South $12^{\circ}42'00''$ East 95.38 feet: thence leaving said Road South $89^{\circ}33'50''$ West 289.73 feet: thence North $05^{\circ}00'00''$ West 16.16 feet: thence North $68^{\circ}27'30''$ West 97.93 feet: thence North $13^{\circ}36'21''$ East 185.40 feet: thence North $32^{\circ}57'04''$ East 153.80 feet: thence South $72^{\circ}34'10''$ East 285.70 feet to the place of beginning. Containing 2.425 acres of land. more or less.



Registered Land Surveyor No. 6034

DESCRIPTION OF AN 0.484 ACRE PARCEL

BEGINNING for the same at a point distant North $72^{\circ}34'10''$ West 285.70 feet from the centerline of a twenty foot Roadway, known as Chattolane Hill Road, which point is 1300 feet, more or less North of Greenspring Valley Road, running thence South $05^{\circ}59'00''$ West 347.11 feet; thence North $68^{\circ}27'30''$ West 97.93 feet; thence North $13^{\circ}36'21''$ East 185.40 feet; thence North $32^{\circ}57'04''$ East 153.80 feet to the place of beginning. Containing 0.484 acres of land, more or less.



Registered Land Surveyor No. 6034

BALTIMORE COUNTY, MARYLAND
FICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 154314

ITEM #115 - WCR
DROP-OFF

DATE 9/8/95

96-105

ACCOUNT 001-6150

AMOUNT \$ 50.00

RECEIVED FROM: N & J Pohlhaus, P.A.

#030 - SPECIAL HEARING

FOR: 305 Golf Course Road & 300 Chatzopolanne Hill

0140140113MICHRC

450.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
FICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 154316

ITEM #115 (WCR)

DATE 9/11/95

96-105

ACCOUNT 001-6150

AMOUNT \$ ~~45.00~~ 35.00

RECEIVED FROM: N& J Pohlhaus, PA

#080 - SIGN POSTING

FOR:

0140140114MICHRC

35.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed rezoning of the property located in the City of Baltimore, 111 W. Chestnut Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 98-105-SPH
(Item 115)
305 Golf Course Road
SE/S Golf Course Road, approximately 600' SW of Hopkins Lane
3rd Election District
3rd Councilmanic
Legal Owner(s):
Berry Hubbard
Hearing: Monday, October 18, 1998 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Hearing: to confirm and permit that the division and transfer of land for purposes other than the building or density would not conflict with Sections 1A01.3.B.1&2 (BCZF); if a conflict is found, a variance is requested.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the file and/or Hearing, Please Call 887-3391.

9/24/98 September 28

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1998.

THE JEFFERSONIAN,
A. H. Harrison
LEGAL AD. - TOWSON

96-105-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting 7/29/95

District 3rd

Posted for: Special Hearing

Petitioner: Barry Hubbard

Location of property: 305 Golf Course Rd

Location of Signs: Facing roadway on property being zoned

Remarks: _____ Date of return: 7/26/95

Posted by M. J. Healy Signature

Number of Signs: 1



TO: PUTUXENT PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Barry Hubbard
305 Golf Course Road
Owings Mills, MD 21117
435-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-105-SPH (Item 115)
305 Golf Course Road
SE/S Golf Course Road, approximately 500' SW of Hopkins Lane
3rd Election District - 3rd Councilmanic
Legal Owner: Barry Hubbard
HEARING: MONDAY, OCTOBER 16, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to confirm and permit that the division and transfer of land for purposes other than the building or density would not conflict with Sections 1A01.3.B.1&2 (BCZR). If a conflict is found, a variance is requested.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

RECEIVED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-105-SPH (Item 115)

305 Golf Course Road

SE/S Golf Course Road, approximately 500' SW of Hopkins Lane

3rd Election District - 3rd Councilmanic

Legal Owner: Berry Hubbard

HEARING: MONDAY, OCTOBER 16, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to confirm and permit that the division and transfer of land for purposes other than the building or density would not conflict with Sections 1A01.3.B.1&2 (BCZR). If a conflict is found, a variance is requested.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Berry Hubbard
Jeannie Pohlhaus,

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

Jeannie Pohlhaus
Associate Broker
Hill & Company Realtor
255 Village Square II
Village of Cross Keys
Baltimore, MD 21210

RE: Item No.: 115
Case No.: 96-105-SPH
Petitioner: Hubbard Property

Dear Ms. Pohlhaus:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 25, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., ^{publ/DK} Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Items 103, 104, 109, 110, 112, 114, and 115

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 9/25/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 9/18/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 103

104

107

108

109

110

111

112

113

114

115

116

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been reviewed by this Bureau and the comments below are applicable and should be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 102, 103, 104, 107,
106, 109, 110, 112, 113, 114 AND 115.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 14, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 115

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Kerns

PK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-15-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 115 (WCR/A)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
305 Golf Course Road, SE/S Golf Course
Road, appx. 500' SW of Hopkins Lane
3rd Election District, 3rd Councilmanic

Berry Hubbard
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-105-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Jeannie Pohlhaus, Hill & Company, 255 Village Square II, Village of Cross Keys, Baltimore, MD 21210, representative for Petitioner.

Peter Max Zimmerman


PETER MAX ZIMMERMAN

RECEIVED

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: September 25, 1995

TO: Hearing Officer

FROM: Catherine A. Milton 
Planner I, PDM

SUBJECT: Item #115
305 Golf Course Road
Drop-Off Petition

No R.C.-2 deed history was submitted with this petition; therefore, it is unclear how this will affect the adjoining properties or how many development rights are on the property as it now exists. It should be noted that these transfers will increase each lot to over 2 acres and may be believed to be increasing the development potential...Without the appropriate zoning devolution, I cannot advise you if this is a density or non-density transfer. It looks like 3 allowed - Who is getting extra lot. Note: no density calculations.

This is NOT in the critical area, as noted on the petition and plat.

CAM:scj



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 28, 1995

Jeannie Pohlhaus, Gf
Associate Broker
Hill & Company Realtor
255 Village Square II
Village of Cross Keys
Baltimore, MD 21210

WCR
Your
copy

115

RE: Hubbard Property
E/S Golf Course Road
Subdivision of 1.7 acre lot
Zoned R.C.-2
D.R.C. #08215G
3rd Election District

Dear Ms. Pohlhaus:

Reference is made to your August 23, 1995 letter to Arnold Jablon, Director of Permits and Development Management, which has been referred to me for reply. You have requested, on behalf of your client, Mrs. Hubbard, zoning approval to subdivide a 1.7 acre lot to 1.202 acres (to be retained by Mrs. Hubbard) and 0.484 acre (to be transferred to an adjoining property owner, Mr. Rockwell).

As you were informed, the zoning staff feels that a public hearing before the zoning commissioner is necessary to resolve the conflicts with Sections 1A01.3.B.1 and 2 (Baltimore County Zoning Regulations). The director has suggested an acceptable alternative solution. A Declaration of Land Restriction must be recorded with both deeds prohibiting improvements thereon or use of the areas to support any off-site improvements or subdivision.

Attached is a copy of the form for the land restrictions to be followed. The deed description must be attached to each copy. If your client chooses the restriction, completed copies should be sent to this office for the director's signature and when recorded, copies with the recording stamp and plat must be delivered to this office for the file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

11080-1115

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (this "Declaration") is made on this ____ day of _____, 19____, by and between the HUBBARDS and BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ("the Zoning Office").

Recitals

- A. The Hubbards, by Jeannie Pohlhuas, filed with the Baltimore County (Development Review Committee) for subdivision of a 1.68 acre lot of record. The density will be reduced due to the fact that 0.48 acre will be transferred to Mr. Rockwell, an adjoining neighbor, and 1.202 acres will be retained by the Hubbards; and neither will be built upon (DRO #082159). The property is zoned R.C.-2.
- B. The DRC approved a limited exemption to the development regulations under Section 26-171 (a)(9), lot line adjustment, provided that the following conflicts with the zoning regulations are resolved:
1. dividing a lot of record less than 2 acres, and
 2. creation of an undersized lot.
- The zoning regulations do not exempt subdivisions for purposes other than immediate or future improvement.
- C. As a condition of approval of the Hubbard's request, the Zoning Office requires a public hearing before the zoning commissioner to resolve the conflict with Section 1A01.3.B.1 and 2 (Baltimore County Zoning Regulations). As an alternative to the public hearing, the director would accept recorded declarations of land restriction for both parcels prohibiting any improvements or use of the area to support any off-site improvements or subdivision.

Declarations

NOW, THEREFORE, in consideration of the premises and other good and value consideration, the receipt and sufficiency of which are hereby acknowledged, the Hubbards and the Zoning Office hereby declare as follows:

1. Any and all property (0.48 acre and 1.202 acres) as shown and described by metes and bounds on the exhibits attached hereto must remain vacant and unimproved.
2. The property may not be utilized as area to support any off-site improvements or subdivision.
3. This Declaration of Understanding shall continue to run with the land unaffected by future transfers of ownership, unless a public hearing is held before the zoning commissioner and the conflict with Sections 1A01.3.B.1 and 2 (Baltimore County Zoning Regulations) are resolved.

IN WITNESS THEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

(SEAL)

(SEAL)

BALTIMORE COUNTY DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT ("Zoning Office")

(SEAL)
Arnold Jablon, Director

STATE OF MARYLAND)
) to WIT:
COUNTY OF BALTIMORE)

I HEREBY CERTIFY THAT ON THIS ____ day of _____, 19____, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared the Hubbards, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

Notary Public
My Commission Expires: _____

RTF, INC.
142 East Main Street
WESTMINSTER, MARYLAND 21157

876-1222 848-2040

4225-95
LETTER OF TRANSMITTAL

DATE	September 6, 1995	JOB NO.	95-37
ATTENTION	Carl Richards		
RE.	Petition for Special hearing for Hubbard		
115			

TO Baltimore County Zoning Administration
111 W. Chesapeake Avenue
Towson, MD 21204

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☒ As Follows _____

COPIES	DATE	NO.	DESCRIPTION
3			Copies of Petition with original signature on each application.
12			Prints of Plan
3			Copies of Property Description
1			Copy of Official Zoning Map
1			Filing Fee

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS Per Checklist.

COPY TO C.Richards: File: B.Hubbard: J.Pohlhaus

SIGNED: 

Laura

R.T.F., Inc.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Jeannie Pohlhaus

Agent for: Bereyn Hubbard

Whill's Company Realtors

255 Village Sq. II

Baltimore, Md 21210

Louisa Young

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

William F. Blue

ADDRESS

311 Golf Course Road
Garrison, Md. 21117



NUMBER

DRAWING NUMBER

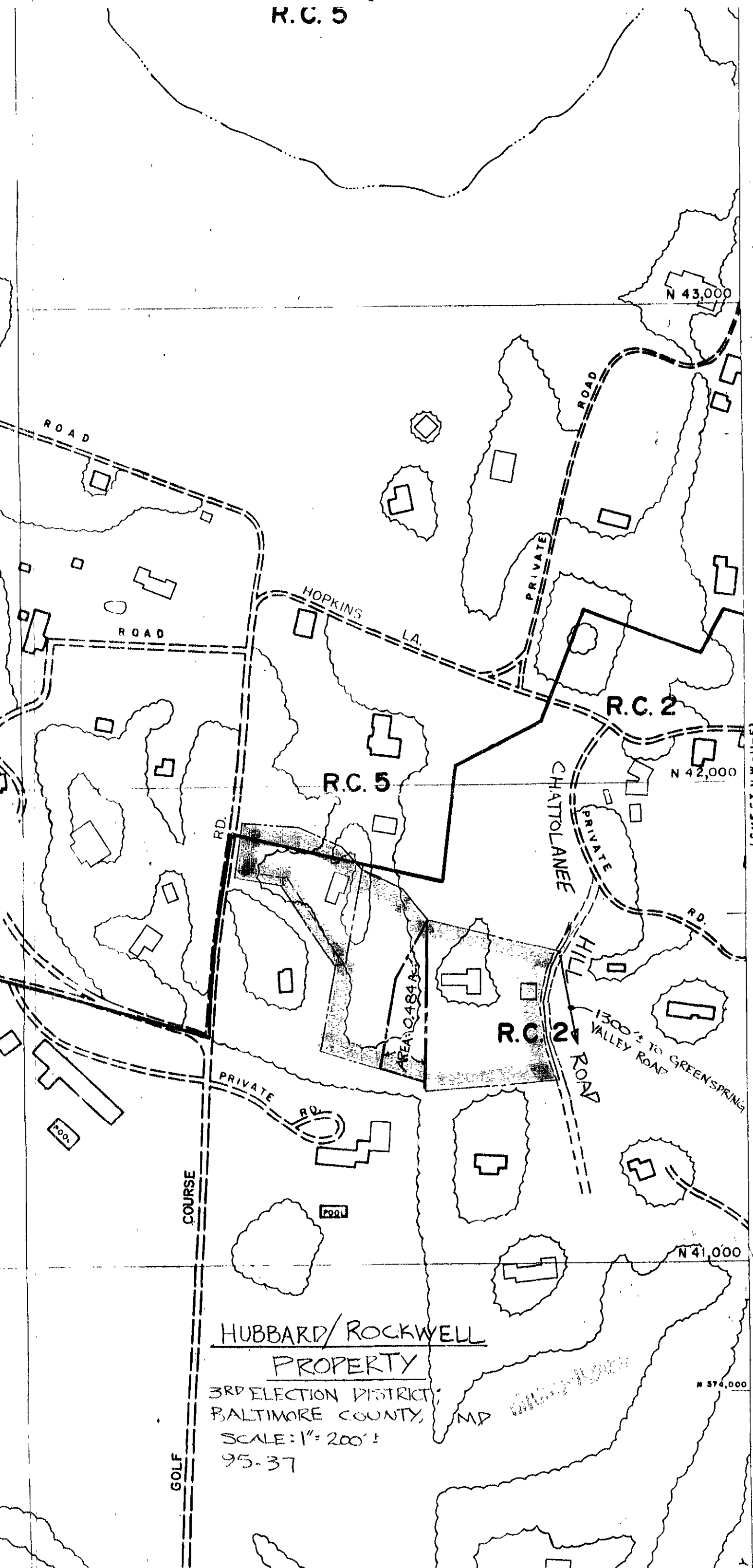
DRAWING NUMBER

PLAN FOR SUBDIVISION OF LAND IN BALTIMORE COUNTY, MARYLAND

PLAN FOR SUBDIVISION OF LAND IN BALTIMORE COUNTY, MARYLAND

PLAN FOR SUBDIVISION OF LAND IN BALTIMORE COUNTY, MARYLAND

115



R.C. 5

N 43,000

N 42,000

N 41,000

N 374,000

(SHEET N.W.-II-F)

HUBBARD/ROCKWELL
PROPERTY

3RD ELECTION DISTRICT;
BALTIMORE COUNTY, MD

SCALE: 1" = 200' 1/2'

95-37

GOLF

IN RE: PETITION FOR SPECIAL HEARING
SE/S Golf Course Road, approx.
500' SW of Hopkins Lane
(305 Golf Course Road and
300 Chattolane Hill Road)
3rd Election District
3rd Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-105-SPH

Berry Hubbard
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 305 Golf Course Road and 300 Chattolane Hill Road, located in the vicinity of the Green Spring Country Club in Owings Mills. The Petition was filed by the owner of the property, Berry Hubbard. The Petitioner seeks approval that the division and transfer of land for purposes other than building or density would not conflict with Sections 1A01.3.B.1 and 2 of the Baltimore County Zoning Regulations (B.C.Z.R.), or in the alternative, a variance is requested. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jeannie Pohlhaus and Louisa Young, Realtors with Hill and Company, Agents for the Petitioner. Appearing as an interested party was William F. Blue, adjoining property owner. There were no Protestants.

Testimony and evidence offered revealed that the Petitioner owns two parcels of land on the east side of Golf Course Road consisting of a total 2.695 acres, zoned R.C. 2. The parcel to the front is known as 305 Golf Course Road and is improved with a two-story dwelling and attached garage. The rear parcel is unimproved and separates the Petitioner's prop-

erty from the property at 300 Chattolane Hill Road owned by John R. and Frances R. Rockwell. As shown on the site plan, the one-story dwelling on the Rockwell property is located in close proximity to the existing rear property line. The Rockwells are desirous of expanding their rear yard and have contracted to purchase 0.484 acres from the Petitioner. Therefore, the Petitioner wishes to divide the rear parcel to create a 0.484 acre triangular shaped lot for conveyance to the Rockwells. The remaining 1.202 acres from this rear parcel will be added to the Petitioner's property to create one parcel of 2.211 acres. Upon completion of this transaction, the Rockwells will own 2.425 acres, and the Hubbard property will be reduced in size from 2.695 acres to 2.211 acres.

Mr. William Blue appeared and testified as to his concerns about the possibility of additional subdivision of the subject properties to create more building lots. After testimony and evidence offered revealed that the proposed subdivision was for non-density purposes and that a restriction would be entered into this Order prohibiting further subdivision of the properties in question, Mr. Blue was satisfied and indicated he had no objections.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the proposed subdivision is for non-density purposes and is in compliance with the spirit and intent of the R.C.2 zoning regulations. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

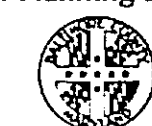
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of October, 1995 that the Petition for Special Hearing to approve that the division and transfer of land for purposes other than building or density would not conflict with Sections 1A01.3.B.1 and 2 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date of this Order, a new deed shall be recorded among the Land Records of Baltimore County for both the Hubbard property and the Rockwell property, incorporating a reference to this case and the restrictions and conditions set forth herein, pursuant to Section 502.2 of the B.C.Z.R. A copy of the recorded deeds shall be forwarded to the Permits and Development Management (PDM) office for inclusion in the case file.
- 3) Neither the property at 305 Golf Course Road or the property at 300 Chattolane Hill Road can be further subdivided.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 20, 1995

(410) 887-4386

Ms. Jeannie Pohlhaus
Hill & Company
Village of Cross Keys
255 Village Square II
Baltimore, Maryland 21210

RE: PETITION FOR SPECIAL HEARING
SE/S Golf Course Road, approximately 500' SW of Hopkins Lane
(305 Golf Course Road and 300 Chattolane Hill Road)
3rd Election District - 3rd Councilmanic District
Berry Hubbard - Petitioner
Case No. 96-105-SPH

Dear Ms. Pohlhaus:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Berry Hubbard
305 Golf Course Road, Owings Mills, Md. 21117

People's Counsel

file

ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 305 Golf Course Road & 300 Chattolane Hill Road

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve.

To confirm and permit that the division and transfer of land for purposes other than building or density would not conflict with Sections 1A01.3.B.1 & 2 (BCZR). If a conflict is found, a variance is requested.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Berry Hubbard

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

95-37

September 5, 1995
Page 1 of 1

DESCRIPTION OF A 2.425 ACRE PARCEL

BEGINNING for the same at a point in the Centerline of a Twenty foot road, known as Chattolane Hill Road, being 1300 feet, more or less North of Greenspring Valley Road; running thence with said Road South 33°07'00" West 40.06 feet; thence South 16°24'00" West 75.00 feet; thence South 01°15'00" East 75.00 feet; thence South 12°42'00" East 95.35 feet; thence leaving said Road South 59°33'50" West 259.73 feet; thence North 05°00'00" West 16.16 feet; thence North 65°27'30" West 97.93 feet; thence North 13°36'21" East 155.40 feet; thence North 32°57'04" East 153.50 feet; thence South 72°34'10" East 255.70 feet to the place of beginning. Containing 2.425 acres of land, more or less.

Registered Land Surveyor No. 6034

95-37

September 5, 1995
Page 1 of 1

DESCRIPTION OF AN 0.484 ACRE PARCEL

BEGINNING for the same at a point distant North 72°34'10" West 285.70 feet from the centerline of a twenty foot Roadway, known as Chattolane Hill Road, which point is 1300 feet, more or less North of Greenspring Valley Road, running thence South 05°59'00" West 347.11 feet; thence North 68°27'30" West 97.93 feet; thence North 13°36'21" East 185.40 feet; thence North 32°57'04" East 153.50 feet to the place of beginning. Containing 0.484 acres of land, more or less.

Registered Land Surveyor No. 6034

ORDER RECEIVED FOR FILING
Date 10/20/95
By [Signature]

DROP-OFF
OK
WCR/AJ
9-8-95

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3-1 Date of Posting 9/29/95
Posted for: Special Hearing
Petitioner: Berry Hubbard
Location of property: 305 Golf Course Rd.
Location of Signs: Along roadway on property being zoned
Remarks:
Posted by: [Signature] Date of return: 10/4/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/29, 1995.

THE JEFFERSONIAN,
LEGAL AD., TOWSON

TO: POTOMAC PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Berry Hubbard
305 Golf Course Road
Owings Mills, MD 21117
435-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-105-SPH (Item 115)
305 Golf Course Road
SE/5 Golf Course Road, approximately 500' SW of Hopkins Lane
3rd Election District - 3rd Councilmanic
Legal Owner: Berry Hubbard
HEARING: MONDAY, OCTOBER 16, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to confirm and permit that the division and transfer of land for purposes other than the building or density would not conflict with Sections 1401.3.8.162 (SC28). If a conflict is found, a variance is requested.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Bel Jablon

Arnold Jablon
Director

cc: Berry Hubbard
Jeannie Pohlhaus,

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

Jeannie Pohlhaus
Associate Broker
Hill & Company Realtor
255 Village Square II
Village of Cross Keys
Baltimore, MD 21210

RE: Item No.: 115
Case No.: 96-105-SPH
Petitioner: Hubbard Property

Dear Ms. Pohlhaus:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 25, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Items 103, 104, 109, 110, 112, 114, and 115

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: ZAOM DATE: 9/25/95
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 9/28/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 103
104
107
108
109
110
111
112
113
114
115
116

LS:sp

LETY2/DEPRM/TXTS8P

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
PDM: 310P-1103

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 18, 1995.

Item No.: SEE BELOW Zoning Agenda:

Re: Item:

Pursuant to your request, the referenced items have been reviewed by this Bureau and the comments below are applicable and should be corrected or incorporated into the final plans for the project.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 103, 107, 109, 110, 112, 113, 114 AND 115.

REVIEWER: LT. ROBERT P. SAUERHARD
Fire Marshal Office, PHONE 887-4881, MS-1102F

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 14, 1995
Permits and Development
Management

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 115

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*

Division Chief: *Carol Kerno*

PK/JL

ITEM 115/PZOR/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 115 (WCR/A)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
305 Golf Course Road, SE/S Golf Course
Road, appx. 500' SW of Hopkins Lane
3rd Election District, 3rd Councilmanic
Berry Hubbard
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-105-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
900 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Jeannie Pohlhaus, Hill & Company, 255 Village Square II, Village of Cross Keys, Baltimore, MD 21210, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

DATE: September 25, 1995

TO: Hearing Officer

FROM: Catherine A. Miller
Planner I, PDM

SUBJECT: Item #115
305 Golf Course Road
Drop-Off Petition

No R.C.-2 deed history was submitted with this petition; therefore, it is unclear how this will affect the adjoining properties or how many development rights are on the property as it now exists. It should be noted that these transfers will increase each lot to over 2 acres and may be believed to be increasing the development potential. Without the appropriate zoning devolution, I cannot advise you if this is a density or non-density transfer. It looks like 3 allowed - Who is getting extra lot. Note: no density calculations.

This is NOT in the critical area, as noted on the petition and plat.

CAM:scj



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 28, 1995

Jeannie Pohlhaus, Gf
Associate Broker
Hill & Company Realtors
255 Village Square II
Village of Cross Keys
Baltimore, MD 21210

RE: Hubbard Property
E/S Golf Course Road
Subdivision of 1.7 acre lot
Zoned R.C.-2
D.R.C. #08215G
3rd Election District

Dear Ms. Pohlhaus:

Reference is made to your August 23, 1995 letter to Arnold Jablon, Director of Permits and Development Management, which has been referred to me for reply. You have requested, on behalf of your client, Mrs. Hubbard, zoning approval to subdivide a 1.7 acre lot to 1.202 acres (to be retained by Mrs. Hubbard) and 0.484 acre (to be transferred to an adjoining property owner, Mr. Rockwell).

As you were informed, the zoning staff feels that a public hearing before the zoning commissioner is necessary to resolve the conflicts with Sections 1A01.3.B.1 and 2 (Baltimore County Zoning Regulations). The director has suggested an acceptable alternative solution. A Declaration of Land Restriction must be recorded with both deeds prohibiting improvements thereon or use of the areas to support any off-site improvements or subdivision.

Attached is a copy of the form for the land restrictions to be followed. The deed description must be attached to each copy. If your client chooses the restriction, completed copies should be sent to this office for the director's signature and when recorded, copies with the recording stamp and plat must be delivered to this office for the file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (this "Declaration") is made on this ____ day of ____, 19____, by and between the HUBBARDS and BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ("the Zoning Office").

Recitals

- The Hubbards, by Jeannie Pohlhaus, filed with the Baltimore County (Development Review Committee) for subdivision of a 1.68 acre lot of record. The density will be reduced due to the fact that 0.48 acre will be transferred to Mr. Rockwell, an adjoining neighbor, and 1.202 acres will be retained by the Hubbards; and neither will be built upon (DRC #08215G). The property is zoned R.C.-2.
- The DRC approved a limited exemption to the development regulations under Section 26-171 (a)(9), lot line adjustment, provided that the following conflicts with the zoning regulations are resolved:
 - dividing a lot of record less than 2 acres, and
 - creation of an undersized lot.The zoning regulations do not exempt subdivisions for purposes other than immediate or future improvement.
- As a condition of approval of the Hubbard's request, the Zoning Office requires a public hearing before the zoning commissioner to resolve the conflict with Section 1A01.3.B.1 and 2 (Baltimore County Zoning Regulations). As an alternative to the public hearing, the director would accept recorded declarations of land restriction for both parcels prohibiting any improvements or use of the area to support any off-site improvements or subdivision.

Declarations

NOW, THEREFORE, in consideration of the premises and other good and value consideration, the receipt and sufficiency of which are hereby acknowledged, the Hubbards and the Zoning Office hereby declare as follows:

- Any and all property (0.48 acre and 1.202 acres) as shown and described by metes and bounds on the exhibits attached hereto must remain vacant and unimproved.
- The property may not be utilized as area to support any off-site improvements or subdivision.
- This Declaration of Understanding shall continue to run with the land unaffected by future transfers of ownership, unless a public hearing is held before the zoning commissioner and the conflict with Sections 1A01.3.B.1 and 2 (Baltimore County Zoning Regulations) are resolved.

IN WITNESS THEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

(SEAL)

(SEAL)

BALTIMORE COUNTY DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT ("Zoning Office")

Arnold Jablon, Director

STATE OF MARYLAND }
COUNTY OF BALTIMORE } to WIT:

I HEREBY CERTIFY THAT ON THIS ____ day of ____, 19____, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared the Hubbards, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

Notary Public
My Commission Expires: _____

RTF, INC.
142 East Main Street
WESTMINSTER, MARYLAND 21157

876-1222 848-2040

TO Baltimore County Zoning Administration
111 W. Chesapeake Avenue
Towson, MD 21204

DATE September 6, 1995 JOB NO 95-37
ATTENTION Carl Richards
RE Petition for Special hearing for Hubbard

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:
☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☒ As Follows

COPIES	DATE	NO	DESCRIPTION
3			Copies of Petition with original signature on each application.
12			Prints of Plan
3			Copies of Property Description
1			Copy of Official Zoning Map
1			Filing Fee

THESE ARE TRANSMITTED as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☐
☐ FOR BIDS DUE ____ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS Per Checklist.

COPY TO C.Richards: File: B.Hubbard: J.Pohlhaus

SIGNED: *[Signature]*

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Jeannie Pohlhaus	Hill & Company Realtors
Agent for: Berry Hubbard	255 Village Sq. II
	Baltimore, Md 21210
Louisa Young	

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
William F. Blui	311 Golf Course Road
	Garrison, Md. 21117

